

REMARKS

Claims 1-13 are pending in the application and are subject to an election requirement. The Office Action indicates the claims are drawn to two inventions that are not linked by a single inventive concept. The groups of claims are identified as:

- Group I; claims 1-8, method for smoothly shaping a solid surface by using a gas cluster ion beam; and
- Group II; claims 9-13, apparatus for smoothing a solid surface by using a gas cluster ion beam.

In response, Applicants elect Group I. The Office Action also instructs the Applicants to indicate which claims read on the elected "species," which they understand to mean the elected group; therefore, Applicants acknowledge claims 1-8 read on Group I.

The Office Action indicates the two groups of claims are not linked by a single inventive concept because the prior art, as demonstrated by US patent 6,858,512 (the '512 patent), either anticipates or renders obvious at least one independent claim in the present application.

Applicants respectfully disagree and submit that the '512 patent does not anticipate or render obvious either independent claim in the present application. The '512 patent discloses the use of a monomer ion beam in contrast to what is claimed, which pertains to the use of a gas cluster ion beam. The two techniques achieve significantly different results, they are not equivalent, and they are not mere alternatives of one another.

Applicants also amend the claims as shown above.

Respectfully submitted,



David N. Lathrop
Reg. No. 34,655
No. 827
39120 Argonaut Way
Fremont, CA 94538
Telephone: (510) 713-0991
Facsimile: (510) 474-1643